

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM****REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 16, 24, and 37 have been amended, and claims 82-85 have been added. Support for the amendments and new claims is found on page 6, line 11 through page 7, line 26 and in FIGs. 4A and 4B.

No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

Claims 16-85 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action at pages 5-6, the Examiner rejects claims 16-81 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to convey to one of ordinary skill in the art that the inventor(s) has possession of the invention. This rejection is respectfully traversed and reconsideration is requested.

By way of example and review and as also outlined in the interview conducted April 25, 2003, an embodiment of the invention described uses a received program reserving code. As described on page 6 in relation to FIGs. 3 and 4A, a program reserving code is broadcast with the associated program preview. The tuner 11 receives the program reserving code with the program preview, and transfers the program reserving code to the controller 19. However, unless a program preview recording key 18b is depressed, the program reserving code is not stored in a memory 13. In this way, the program reserving code is directly stored using the program preview recording key 18b while the program preview is displayed. (Page 6, lines 1-4, 7-10, and 27-29; FIGs. 3 and 4A).

Specifically, in operation S51, when a program preview is being broadcast (displayed), a user judges whether to directly reserve the program associated with the program preview using operation S52. If the user wishes to directly reserve the program while the program preview is displayed, the user presses a program preview recording key 18b, and the program reserving code for the program is stored in memory 13. (operation S52). The program is then recorded in accordance with the recorded program reserving code. (operation S54).

However, as described on page 7 of the Specification, if the user changes channels, or if the program preview ends prior to pressing the program preview recording key 18b, the user

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM**

cannot use operation S52 shown in FIG. 4A to reserve the program, and must instead use another method of reserved recording as shown in FIG. 4B.

In the method shown in FIG. 4B, the programs are reserved using stored program guide information.

As such, unless the program preview recording key 18b is depressed prior to the program preview *not* being displayed, the program cannot be recorded using operation S52 shown in FIG. 4A. Therefore, while not specifically restricted to not storing the program reserving code in all aspects of the invention, it is respectfully submitted that the specification at least inherently discloses a method of receiving without displaying the program guide information and where reserving the program is not operable where the program guide information is not being broadcast as would be understood by one of ordinary skill in the art to understand that the inventors had possession of the invention. Therefore, it is respectfully submitted that the specification as would be understood by one of ordinary skill in the art supports claims 16 and 37 for the purposes of 35 U.S.C. §112, first paragraph.

For similar reasons and in view of the above explanation of an embodiment of the invention, it is respectfully submitted that claims 24, 50, 52, 81, as well as the remaining claims depending from claims 16, 24, 37, 50, 52, and 81, are supported by the specification as would be understood by one of ordinary skill in the art for the purposes of 35 U.S.C. §112, first paragraph.

REJECTION UNDER 35 U.S.C. §102:

On pages 7-14 of the Office Action, the Examiner rejects claims 16, 17, 19-26, 28-35, 37-54, 56-62, and 64-81 under 35 U.S.C. §102(e)(1) in view of Yuen et al. (U.S. Patent Publication No. 2002/0012525A1). The rejection is respectfully traversed and reconsideration is requested.

The Examiner asserts on page 7 of the Office Action that paragraphs 491 and 565 of Yuen et al. disclose an operation of receiving programming guide information without storing the program guide information. On page 3 of the Office Action, the Examiner clarifies that, in order to receive without storing the auxiliary information, Yuen et al. teaches that the i button is simply not pressed.

As a point of clarification and as discussed in the interview, paragraph 566 clarifies that the process by which the PLUSCODE is used requires storage in a temporary buffer so as to allow the user to select the PLUSCODE using the i button. Specifically, paragraph 566 describes that the "microprocessor controller 31 stores the program guide PRI, which includes the 'PLUSCODE™' number corresponding to the electronic guide which is broadcasted at a later

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM**

time . . . in a *temporary buffer* (step 8204). The indexing VCR 10 displays a prompt to the user to alert him that he may capture the 'PLUSCODETM' number to record the electronic program guide at a later time (8026." As further explained, if "the info button is pressed (step 8207), the microprocessor controller 31 retrieves the 'PLUSCODETM' number from the temporary buffer (step 8208) and decodes it to generate the channel-date-time-length information which is stored in the VCR record stack as described above (step 8209)." Therefore, the data referenced in paragraph 565 is clearly stored in the temporary buffer prior to the user selecting the PLUSCODE number using the i button for use in recording the associated program.

Similarly, while paragraph 491 generally describes the prompting of the user by flashing an icon on the screen when auxiliary information is received, the exact use of the auxiliary information is not described specifically in paragraph 491. With regard to PLUSCODE numbers in the auxiliary information, paragraph 513 describes the use of the PLUSCODE within with reference to the method in FIG. 53. Specifically, Yuen et al. describes the PLUSCODE as being within program related information (PRI). The PRI is stored in a temporary buffer. New PRI overwrites old PRI according to a first-in-first-out basis. If there is a request from the user to store the PRI for later use, the selected PRI is moved to the storage buffer.

In order to select a PRI that includes a PLUSCODE so as to record the program as opposed to merely storing the PLUSCODE number in RAM 31, paragraphs 514 and 515 describe displaying the PLUSCODE on a screen in accordance with a first button being selected so as to review the stored PLUSCODEs. The user then selects the PLUSCODE retrieved from RAM 31, and presses a second button in order to store the PLUSCODE in the programming stack. In each of the above descriptions, the PRI or PLUSCODE is stored in a temporary buffer before the user selects the PRI or PLUSCODE.

However, there is no disclosure that the PRI or PLUSCODE numbers are no longer accessible from either the temporary buffer or the RAM 31 to be recorded in the programming stack if a commercial or other data is not displayed.

In contrast, claim 16 recites that "said reserving the upcoming program is only operable while the program preview is being displayed." As such, it is respectfully submitted that Yuen et al. does not disclose or suggest the invention recited in claim 16.

Further, the Examiner asserts on page 4 of the Office Action that Yuen et al. teaches in paragraphs 507 through 510 the features of claim 81. However, as noted above, Yuen et al. discloses storing multiple PRI temporarily until the temporary buffer is full. When the temporary buffer is full, the new PRI overwrites the old PRI in the FIFO method as discussed above. As such, assuming a first PRI is broadcast during a commercial, the first PRI would exist after the

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM**

commercial ends until sufficient new PRI are received to replace the first PRI. (Paragraph 513).

If the user wishes to retrieve the existing temporarily stored PRI, the user performs a retrieve operation to read the PRI stored in the temporary buffer. (FIGs. 53, operations 3724, 3725). However, there is no disclosure that the temporary buffer is cleared of PRI at the end of a program during which the PRI was transmitted, or that the PRI is otherwise inaccessible at the end of the program being displayed.

To the contrary, Yuen et al. specifically suggests that the RAM 33 be sufficient to store program guides for at least two channels to allow a user to switch between two channels. (Paragraph 0509). It is from this stored program guide that Yuen et al. teaches that the PLUSCODE number is retrieved. (Paragraph 0510, 0513, 0515). Therefore, Yuen et al. instead teaches that the PLUSCODE numbers are stored so as to allow continued access after a program is not being displayed.

In contrast, claim 81 recites "receiving program guide information associated with the upcoming program, the program guide information being included with the program preview," "reserving, in response to the user command, the upcoming program for future recording using the received program guide information," "wherein said reserving the upcoming program is only operable while the program preview is being broadcast." As such, it is respectfully submitted that Yuen et al. does not disclose or suggest the invention recited in claim 81.

Similarly, it is respectfully submitted that Yuen et al. does not disclose or suggest the invention recited in claims 20, 24, 29, 37, 43, 57, 78-80.

On page 4 of the Office Action, the Examiner asserts that paragraphs 708 and 735 disclose that the PLUSCODE of the PRIs can be used to reserve the upcoming program without displaying the program guide. As a point of clarification, the operations described in paragraphs 708 and 735 further explain the an alternate process of recording using PLUSCODE numbers. In this process, in order to record a program, the PLUSCODE number is entered by the user in operation as shown in operations 2752 and 2753 in FIG. 90f using the input screen in FIG. 91g. (Paragraph 709). There is no disclosure that the user receives the PLUSCODE number while the PRI is being received, or that, for the purposes of manual entry, the user is able to obtain the PLUSCODE number from the PRI without displaying the PRI.

The Examiner further clarifies the rejection of claim 46 by asserting on page 4 of the Office Action that paragraphs 514 through 519 in Yuen et al. disclose a feature of "reserving, in response to the user command, the upcoming program for future recording using the received program guide information without the program guide information being displayed." However, as also discussed in the interview, it is respectfully submitted that these paragraphs require that the

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM**

PRI (including the PLUSCODE number) be displayed in order to allow the user to record a program using stored PRI. Specifically, while Yuen et al. describes storing the PRI while a program is being viewed in operation 3721 as shown in FIG. 53, Yuen et al. requires a separate operation in order to store the PLUSCODE number in the PRI in the programming stack in operations 3733 and 3736. (Paragraphs 514-516). By storing the PLUSCODE number in the programming stack, the program is selected to be recorded. The stored PRI are displayed in a screen such as in FIG. 54 so as to allow the selection of the PLUSCODE numbers. Therefore, in both embodiments, the PRI are displayed so as to allow the user to select a PLUSCODE number to record a program.

There is no disclosure that the programs are recorded unless the PRI or the PLUSCODE number is displayed.

In contrast, claim 46 recites, among other elements, "reserving, in response to the user command, the upcoming program for future recording using the received program guide information without the program guide information being displayed." As such, it is respectfully submitted that Yuen et al. does not disclose the invention recited in claim 46, and similarly recited in claims 51, 53, and 65.

On page 13 of the Office Action, the Examiner asserts that paragraph 510 of Yuen et al. discloses reserving the upcoming program in response to a single action of one of the user selection keys being depressed. On pages 4-5 of the Office Action, the Examiner clarifies that reserving the program is performed by moving the cursor to the desired program and pressing the Record button. However, as also discussed with the Examiner during the interview, it is noted that the Examiner's process requires two keys: a first key to move the cursor to select the desired program, and a second key to record the program. There is no disclosure that, by pressing the Record button, the cursor moves to the desired program and includes the program in the recording stack to be recorded.

This understanding is consistent with the teaching of Yuen et al. in paragraph 510. In addition, as further explained with reference to FIG. 59, Yuen et al. further discloses that the program is selected by the user moving the cursor down to the program and then pressing the Record button using the remote control 75. (Operation 10360, Paragraph 530). As described in paragraph 276 in relation to the remote control 75 shown in FIG. 14, the remote control 75 includes cursor movement buttons 1305 to move a cursor. The remote control 75 further includes a record button 1319 for use in recording. There is no disclosure that the cursor movement buttons 1305 are used to record a program, and there is no disclosure that the record button 1319 is used to move the cursor.

SERIAL NO. 09/210,472**DOCKET NO. 1399.1001/JGM**

Alternately, the indexing VCR 10 can be programmed through a single button, such as an i button 9731. However, this programming is accomplished through the process in FIG. 53. Where the i button 9721 is pressed twice, the review command is issued so as to display the stored PLUSCODE™ numbers in operation 3725. If the i button 9721 is pressed again, the record command is issued to program the indexing VCR 10 in operations 3735 and 3736. Further, as the i button 9721 does not move the cursor, the cursor movement buttons 1305 are required to move the cursor to the selected program to be recorded. As such, in order to program the indexing VCR 10, the i button 9721 must be pressed three times, and the cursor movement buttons 1305 must be depressed in order to select the program to be recorded using the i button 9721.

In each of the above features of Yuen et al., multiple buttons are required to be separately depressed in order to select and record a desired program.

In contrast, claim 50 recites "using a user input interface having user selection keys to generate a user command to reserve the upcoming program for future recording in accordance with a *single action of one of the user selection keys* being depressed to *select and reserve* the upcoming program." As such, it is respectfully submitted that Yuen et al. does not disclose the invention recited in claim 50, and similarly recited in claims 23, 32, 44, 49, 52, 68, and 76.

Claims 17, 19, 21, 22, 25, 26, 28, 30, 31, 33-35, 38-40, 42, 43, 45, 47, 48, 54, 56, 58-62, 64, and 66, 67, 69-75, and 77 are deemed patentable due at least to their depending from corresponding claims 16, 24, 37, 46, 50, and 52.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 14-15, the Examiner rejected claims 18, 27, 36, 55, and 63 under 35 U.S.C. §103 in view of Yuen et al. and the Examiner's taking Official Notice of various elements. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's taking Official Notice of the various elements is proper, the Examiner's taking Official Notice does not cure the above-noted defect of Yuen et al. as applied to claims 16 and 24, from which claims 18, 27, 36, 55, and 63 correspondingly depend. Therefore, it is respectfully submitted that the combination of Yuen et al. and the Examiner's taking Official Notice does not disclose or suggest the invention recited in claims 16 and 24, and claims 18, 27, 36, 55, and 63 remain patentable due at least to their depending from claims 16 and 24.

SERIAL NO. 09/210,472

DOCKET NO. 1399.1001/JGM

PATENTABILITY OF NEW CLAIMS:

It is respectfully submitted that claims 82-85 are deemed patentable due at least to their depending from corresponding claims 16, 81, 37, and 46.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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on APRIL 25 2003by: STAAS & HALSEYDate: APRIL 25, 2003